

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JACQUELINE F THURMAN
Claimant

APPEAL NO. 09A-UI-06200-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/06/08
Claimant: Appellant (2)

871 IAC 24.39(2) – Department Approved Training – Able and Available

STATEMENT OF THE CASE:

Jacqueline Thurman (claimant) appealed a representative's April 1, 2009 decision (reference 06) that concluded she was not authorized for department approved training effective August 17, 2009, because she indicated she was enrolled for eight hours per week. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was scheduled for May 18, 2009.

ISSUE:

The issue is whether the claimant is authorized for department approved training.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: In August 2008 claimant was enrolled in two classes for eleven credit hours. Each class met for four hours per week. The department denied the claimant's request for department approved training (DAT) as of August 17, 2009, because the claimant was enrolled for eight hours per week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is authorized for department approved training.

871 IAC 24.39 provides:

Department-approved training or retraining program. The intent of the department-approved training is to exempt the individual from the work search requirement for continued eligibility for benefits so individuals may pursue training that will upgrade necessary skills in order to return to the labor forces. In order to be eligible for department-approved training programs and to maintain continuing participation therein, the individual shall meet the following requirements:

(1) Any claimant for benefits who desires to receive benefits while attending school for training or retraining purposes shall make a written application to the department setting out the following:

- a. The educational establishment at which the claimant would receive training.
- b. The estimated time required for such training.
- c. The occupation which the training is allowing the claimant to maintain or pursue.

(2) A claimant may receive unemployment insurance while attending a training course approved by the department. While attending the approved training course, the claimant need not be available for work or actively seeking work. After completion of department-approved training the claimant must, in order to continue to be eligible for unemployment insurance, place no restriction on employability. The claimant must be able to work, available for work and be actively searching for work. In addition, the claimant may be subject to disqualification for any refusal of work without good cause after the claimant has completed the training.

(3) The claimant must show satisfactory attendance and progress in the training course and must demonstrate that such claimant has the necessary finances to complete the training to substantiate the expenditure of unemployment insurance funds.

This rule is intended to implement Iowa Code section 96.4(6).

The claimant did not request classes in August 2009, to be authorized for DAT. She asked for authorization in August 2008. The claimant's request for authorization for department approved training is granted effective August 17, 2008.

DECISION:

The representative's April 1, 2009 decision (reference 06) is reversed. The claimant is authorized for department approved training effective August 17, 2008.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs